

AMENDED IN ASSEMBLY MARCH 28, 2006

AMENDED IN ASSEMBLY MARCH 21, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2049

Introduced by Assembly Member Spitzer

February 15, 2006

An act to add Section 3053.6 to the Penal Code, relating to ~~obscene matter~~ *sex offenders*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2049, as amended, Spitzer. Sex offenders: parole.

Existing law generally regulates the parole of sex offenders and the terms and conditions of parole that may be placed on those offenders upon release from prison.

This bill would provide that any person who has been convicted of an offense that requires him or her to register as a sex offender must, as a term of parole be prohibited from contacting or communicating with the victim, or victims or any of their immediate family members, as defined.

This bill would further provide that this term of parole may be waived by the parole authority in the interests of justice, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3053.6 is added to the Penal Code, to
2 read:

1 3053.6. A person who has been convicted of any offense that
2 requires him or her to register as a sex offender pursuant to
3 Section 290 shall, in addition to any other conditions, have the
4 following conditions of parole:

5 (a) The parolee shall not contact or communicate with the
6 victim or victims or any of the victims' immediate family
7 members. This includes visiting or frequenting the place of their
8 residence, work, or crime scene, whether or not that person is
9 present.

10 (b) The parole authority may waive the requirements specified
11 in subdivision (a) in the interests of justice with the consent of
12 the victim, or the victim's parents or legal guardian if the victim
13 is a minor, and shall document the reason for doing so in the
14 parolee's file. In the event that the victim, or the victim's parents
15 or legal guardian if the victim is a minor, agrees to waive the
16 requirements specified in subdivision (a), but any of the victim's
17 immediate family does not, the parole authority may permit
18 contact with the victim, but not the immediate family members
19 who refused to consent.

20 (c) For the purpose of this section:

21 (1) "Immediate family members" shall mean the spouse,
22 children, *siblings*, *legal guardian* or parents of the victim.

23 (2) "Contact or communication" includes personal, telephonic,
24 electronic, or written contact.